

REMARKS

Claims 1-29 are pending in the present application.

The Office Action alleges that there are the following species being claimed:

Species 0 (Claims 1-2 and 15) is distinct due to determining an expiration date for products in circulation

Species 1 (Claims 3-4 and 16) is distinct due to accessing records to determine expiration date for products in circulation;

Species 2 (Claims 5-6 and 18 and 19) are distinct due to terminals interacting to determine expiration date for products in circulation;

Species 3 (Claim 7) is distinct due to network interaction to determine expiration date for products in circulation;

Species 4 (Claims 8, 22, and 23) is distinct due to an arithmetic processing section to determine expiration date for products in circulation;

Species 5 (Claim 9) is distinct due to a factor table to determine expiration date for products in circulation;

Species 6 (Claim 10) is distinct due to detachable components to determine expiration date for products in circulation;

Species 7 (Claims 11, 24 and 25) is distinct due to individual groupings for machines to determine expiration date for products in circulation;

Species 8 (Claim 12 and 26) is distinct due to a receiver to determine expiration date for products in circulation;

Species 9 (Claim 13) is distinct due accessing records for a receiver to determine expiration date for products in circulation;

Species 10 (Claims 14, 17, and 27) is distinct due causing a terminal to determine expiration date for products in circulation;

Species 11 (Claims 20-21 and 28) is distinct due to consider the number of times of the collected data to determine expiration date for products in circulation; and

Species 12 (Claim 29) is distinct due to a purchase option relating to products in circulation.

In response to this species election requirement, Applicants elect, with traverse, Species 0 corresponding to at least Claims 1-17. Species 0 has a common feature wherein the account is calculated based on the expiration date for products in circulation. All of the claims have this feature and therefore read on Species 0. Accordingly, all claims should be examined.

Applicants traverse this species election requirement because the Office Action has failed to provide any reasons why the inventions as claimed in Species 0-12 are independent or distinct. The Office Action has provided an improper foundation for species election. “A mere statement of conclusion is inadequate. The reasons upon which the conclusion is based should be given.” MPEP § 808.01. Applicants are not admitting patentable indistinctness of Species 0-12 but are indicating that the Office Action has failed to establish why Species 0-12 are patentably distinct.

Further, Applicants traverse this restriction requirement because there would not be a serious burden on the Examiner to examine all of the claims. The Examiner has failed to show by appropriate explanation (separate classification, separate status in the art, or different field of search) why there is a serious burden. See MPEP § 808.02. Thus, if a serious burden does not exist then all the claims must be examined as dictated in MPEP §803.

Therefore, in view of the above, Applicants respectfully submit that the species election requirement of claims 1-29 is improper and accordingly claims 1-29 should be examined

together. Accordingly, withdrawal of the election of species requirement and the examination of claims 1-29 are respectfully requested.

Conclusion

Applicants respectfully submit that claims 1-29 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

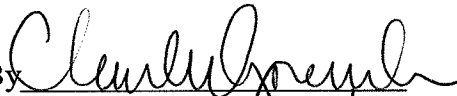
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael R. Cammarata, Registration No 39,491 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: December 28, 2007

Respectfully submitted,

By 
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